IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Crl.Rev.Pet.No. 536 of 1999(C)

CRA.430/1996 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.13/1994 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

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REVN. PETITIONER:

CHEMMACHERY THOMAS FRANCIS,
S/O. C.P. FRANCIS,
CHEMMACHERY HOUSE,
HOUSE NO. XVII/43,
P.O., IRINJALAKUDA,
TRICHUR DISTRICT.

BY ADV. SRI.D.PEETHAMBARAN
SRI.M.B.ANISH BABU

RESPONDENTS:

1. ASSISTANT COLLECTOR,
SPECIAL CUSTOMS PREVENTIVE DIVISION,
KOZHIKODE.

2. STATE OF KERALA,
REPRESENTED BY THE
PUBLIC PROSECUTOR,
ERNAKULAM.

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR
SRI.AJITH KRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NOS. 2948/1999 & 2330/1999
IN CRL. R.P. NO. 536/1999

DISMISSED

14.03.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 536 OF 1999

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Dated this the 14th day of March 2007

O R D E R

The revision petitioner stands convicted for the offence under section 135(i)(ii) of the Customs Act, 1962 and sentenced , as modified by the appellate court, to imprisonment for the period already undergone and to pay a fine of Rs. 1,45,000/- and in default to undergo rigorous imprisonment for 1 ½ years.

2. The counsel for the revision petitioner has pointed out that the revision petitioner was only a carrier which is evident from the proceedings in the matter and that he has studied only up to 4th standard and that his father committed suicide while he was in custody and that the incident has taken place in the year 1992. In the circumstances, the sentence portion with respect to the payment of fine is modified to pay a fine of Rs.50,000 and in default to undergo simple imprisonment for six months.

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV